

MHPU180020952023



P.W.D.VA. NO. 36/2023

Renuka

Vs

Kumar & Ors.

ORDER BELOW EXH 13.

(Passed on 03/07/2024)

This is an application filed by the applicant against non applicant under section 23 of the Protection of Women From Domestic Violence Act, 2005 (hereinafter referred as a PWDVA Act).

2. The applicant and non applicant are husband and wife interse. Their marriage performed on 21/12/2008. Thereafter, the applicant had been for cohabitation with non applicant at her matrimonial house. The applicant has begotten three daughters having age of 13 years, 11 years and 9 years. These three daughters residing with the applicant. After their marriage the non applicant and his family members well treated the applicant for some initial period. Thereafter, they have started to cause harassment of the applicant on account of demanding money. The non applicant usually had beaten to the applicant after drinking liquor. Despite this the applicant by taking into consideration, the future of three daughters was residing with the non applicant. Non applicant also taken suspicion upon the conduct of the applicant.

3. The non applicant had obtain much loan and in order to repayment of the same he started to give ill treatment to the applicant and thereby sought an amount of Rs.2,50,000/- from the applicant. The non applicant also instigated the applicant to demand the said amount to her father and mother. The non applicant also caused harassment of the applicant on account of she has given birth to three daughters and not given birth to son. The non applicant denied to take the responsibility of the applicant and their three daughters. The

father and mother of the applicant number of times tried to give understanding to the non applicant but in vain. They have also made attempt to resolve the dispute in between them before the president of Tanta Mukti but, in vain. The non applicant has not made any arrangement in respect of the livelihood of the applicant and her three daughters. The non applicant is in the service of Railway Department and he has getting salary of Rs. 80,000/- p.m. Despite this the non applicant has not taken the responsibility of the applicant and their three daughters. The applicant is ready to cohabit but the non applicant has not ready for the same. The daughters of the applicant and the non applicant have taking education. Therefore, the applicant sought amount of Rs.10,000/-p.m. for her & an amount of Rs.5,000/- p.m. for three daughters each by way of interim maintenance application from the non applicant. Hence, this application.

4. The non applicant filed say at Exh. 16 and thereby strongly opposed the application moved by the applicant. He denied the entire adverse allegations made by the applicant against the non applicant. However, he admitted his relation with the applicant and their three daughters. In true fact of the case he submitted that, he is getting salary of Rs. 24,000/- per month. He is having responsibility of his mother, she is old age and having various disease. Furthermore, there is a deduction of Rs.14,000/- per month from his account towards repayment of loan. Per contra, the applicant has earning an amount of Rs. 15,000/- per month from the business of stitching. The non applicant is ready to cohabit the applicant. Therefore, he lastly prayed to reject the present application.

5. Perused the application and say. Heard both sides at considerable length. According to the applicant her marriage performed with the non applicant on 21/12/2008. Thereafter, she had been to her matrimonial house for cohabitation. They have three

daughters. The non applicant is having lust of drinking liquor in order to fulfill his lust he has obtain huge loan. The non applicant has not taking care and caution of the applicant and their three daughters. The applicant has no any source of income. Per contra, the non applicant has salary of Rs.80,000/-. The non applicant has caused mental as well as physical harassment of the applicant. On account of that, the non applicant had demanded of Rs.2,50,000/- from the applicant and her family members. It is responsibility of non applicant to take care and caution of the applicant.

6. Per contra, the non applicant has denied entire all the adverse allegations made by the applicant. However, he admitted his relation with the applicant and their daughters. So far as the income of the non applicant he submitted that, he has not getting payment of Rs.80,000/- p.m. Per contra, he is getting salary of Rs.24,000/- p.m. after deductions. Hence, he lastly prayed to reject the application.

7. I have considered the submissions advanced by both sides along with pleading. I have also considered the contents of affidavit in respect of Assets and Liabilities on record. It clearly goes to show that, the non applicant prima faice caused mental as well as physical harassment to the application on account of the demanding money of Rs.2,50,000/-. It is also crystal clear from the record that, the applicant and non applicant resides separately. The daughters of the applicant and the non applicants resides with the applicant. Admittedly considering their age they are getting education.

8. No any evidence placed on record by the non applicant in respect of work of the applicant i.e. stitching and thereby she is getting an amount of Rs.15,000/- per month. Per contra, the document i.e. copy of salary slip placed on record by Ld. Advocate for the non applicant which clearly goes to show that the non applicant is having gross salary of Rs.53,470/- and after deductions an

amount of Rs.24,474/- has received to the non applicant. The non applicant also placed on record the document in respect of loan of Rs.6,50,000/- which he has obtained. Therefore, considering these aspects it is crystal clear that, there are three daughters to the applicant and the non applicant. No any arrangement appears to be made by the non applicant in order to fulfill the necessity of the applicant and their three daughters for their livelihood.

9. Therefore, it is necessary to give direction to the non applicant in respect of payment of particular amount to the applicant and their daughters for their livelihood. It is the pious obligation of the non applicant to take care and caution of the applicant and their daughters by providing substance for their livelihood. For that purpose considering the status of parties and today's inflation an amount of Rs.3,000/- to the applicant and their three daughters each which comes in total of Rs.12,000/- would be sufficient. Hence, in the interest of justice I, proceed to pass following order.

ORDER

01. Application is partly allowed.
02. The non applicant no.1 is hereby directed to pay an amount of Rs.3,000/-(Rupees Three Thousand only) to the applicant and their three daughters each i.e. in total of Rs.12,000/- (Rupees Twelve Thousand only) per month from the date of filing of this application till the conclusion of matter towards interim maintenance.
03. Copy of order be given to applicant free of cost.
04. Inform this order to the Protection Officer for necessary action and compliance.

Date : 03/07/2024.

Place : Daund

(Sharad B. Kaldade)
Judicial Magistrate First Class
(Court No. 2) Daund.

CERTIFICATE

I affirm that the contents of this PD.F file, Order are same, word to word, as per the original order.

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- (Sharad B. Kaldate) Judicial Magistrate First Class (Court No. 2) Daund.
Order / Judgment date	:- 03/07/2024.
Order / Judgment singed by	:- 03/07/2024.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 03/07/2024.

